

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Browne	Team: Squad #5	CCRB Case #: 201404883	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/18/2014 5:30 AM	Location of Incident: Outside of § 87(2)(b) in the Bronx and inside the 46th Precinct stationhouse	Precinct: 46	18 Mo. SOL 11/18/2015	EO SOL 11/18/2015	
Date/Time CV Reported Sun, 05/18/2014 11:00 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 05/18/2014 11:00 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Ronald Hobson	17689	941908	046 PCT
2. DTS Darryl Schwartz	07151	933534	046 PCT
3. Officers			046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Vincent Maher	30434	904425	046 PCT
2. POM Jason Cruz	11637	941599	046 PCT
3. POM Oscar Perez	07650	935499	046 PCT
4. POM Ajish Joy	03562	941221	046 PCT
5. POM Lawrence Dunlay	05380	938411	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b) and an individual.	
B. Officers	Abuse: Officers frisked § 87(2)(b) and an individual.	
C.DTS Darryl Schwartz	Abuse: Det. Darryl Schwartz frisked § 87(2)(b)	
D.POM Ronald Hobson	Abuse: PO Ronald Hobson questioned § 87(2)(b) and an individual.	
E.DTS Darryl Schwartz	Abuse: Det. Darryl Schwartz questioned § 87(2)(b) and an individual.	
F.DTS Darryl Schwartz	Abuse: Det. Darryl Schwartz frisked an individual.	
G.POM Ronald Hobson	Force: PO Ronald Hobson used a chokehold against § 87(2)(b)	
H.POM Ronald Hobson	Off. Language: PO Ronald Hobson made remarks to § 87(2)(b) based upon race.	

Officer(s)	Allegation	Investigator Recommendation
I.POM Ronald Hobson	Abuse: PO Ronald Hobson threatened § 87(2)(b) with the use of force.	
J.POM Ronald Hobson	Force: PO Ronald Hobson hit § 87(2)(b) against a police van.	
K.POM Ronald Hobson	Force: PO Ronald Hobson used physical force against § 87(2)(b)	
L.POM Ronald Hobson	Discourtesy: PO Ronald Hobson spoke discourteously to § 87(2)(b) both outside § 87(2)(b) in the Bronx and inside the 46th Precinct stationhouse.	
§ 87(2)(g), § 87(4-b)		

Case Summary

On May 18, 2014, § 87(2)(b) called the CCRB and filed this complaint via the Call Processing System. § 87(2)(b) was not a witness to this incident and filed the complaint on behalf of her son, § 87(2)(b). There is video footage for part of the incident.

At approximately 5:30 a.m. on May 18, 2014, § 87(2)(b) and § 87(2)(b) known only as “§ 87(2)(b)” were stopped outside of § 87(2)(b) in the Bronx, resulting in the following allegations:

- **Allegation A—Abuse of Authority: Officers stopped § 87(2)(b) and § 87(2)(b)**
- **Allegation B—Abuse of Authority: Officers frisked § 87(2)(b) and § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation C—Abuse of Authority: Det. Darryl Schwartz frisked § 87(2)(b) § 87(2)(b)**
§ 87(2)(b)
- **Allegation F—Abuse of Authority: Det. Darryl Schwartz frisked § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation D—Abuse of Authority: PO Ronald Hobson questioned § 87(2)(b) § 87(2)(b)**
§ 87(2)(b) and § 87(2)(b)
- **Allegation E—Abuse of Authority: Det. Darryl Schwartz questioned § 87(2)(b)**
§ 87(2)(b), § 87(2)(g)
- **Allegation G—Force: PO Ronald Hobson used a chokehold against § 87(2)(b)**
§ 87(2)(b)
- **Allegation H—Offensive Language: PO Ronald Hobson made remarks to § 87(2)(b) based upon race.**
- **Allegation I—Abuse of Authority: PO Ronald Hobson threatened § 87(2)(b) § 87(2)(b) with the use of force.**
- **Allegation J—Force: PO Ronald Hobson hit § 87(2)(b) against a police van.**
- **Allegation K—Force: PO Ronald Hobson used physical force against § 87(2)(b)**
- **Allegation L—Discourtesy: PO Ronald Hobson spoke discourteously to § 87(2)(b) outside § 87(2)(b) in the Bronx and inside the 46th Precinct stationhouse.**
§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

- § 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b) stated that he and § 87(2)(b) intended to file a lawsuit. As a result, mediation was not presented and the case was investigated.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b) was a § 87(2)(b) at the § 87(2)(b)

Statements to Medical Personnel

On § 87(2)(b), § 87(2)(b) visited Dr. § 87(2)(b) reporting that he had muscle pain in his back and arms after being arrested the day prior. He stated that he was pushed into a car and struck by a police officer.

CCRB Statements

§ 87(2)(b) provided statements over the phone on May 20, 2014 (encl. 9A) and in person at the CCRB on May 23, 2014 (encl. 9B-E). At around 5:30 a.m. on May 18, 2014, § 87(2)(b) and his cousin, § 87(2)(b) entered § 87(2)(b) in the Bronx in order to get money from § 87(2)(b) uncle, known only as § 87(2)(b). § 87(2)(b) was wearing a blue hoodie, black cargo pants, and boots. He was carrying his phone and loose money in his pants pockets, which contained no bulges. § 87(2)(b) was wearing a white shirt, white pants, and gray shoes. In his pants pockets he carried only a phone, which created no bulges.

While outside § 87(2)(b) second floor apartment, § 87(2)(b) heard yelling from upstairs, but he did not know any further details. After less than five minutes, § 87(2)(b) and § 87(2)(b) went downstairs to the lobby, where they met § 87(2)(b) other cousin, known only as § 87(2)(b). § 87(2)(b) was wearing a red sweat shirt and white sweatpants, and in his pants pockets he carried a phone and money, neither of which created any bulges.

As all three individuals exited the building, they saw a marked police van parked in front of the building and six officers on the sidewalk just beyond the railing of a ramp. Before they could descend, an unidentified officer reached through the railing and without saying anything, frisked § 87(2)(b) entire body. Accustomed to being stopped, all three civilians raised their hands in compliance. After frisking § 87(2)(b) the officer stated that there was a call about a gun and that § 87(2)(b) matched a description, though he gave no other details.

While “§ 87(2)(b)” was being frisked, a second unidentified officer grabbed § 87(2)(b) wrist and placed him against the wall. The officer grabbed § 87(2)(b)’s phone from his hands, turned it off, handed it back, and told him to put it away. As he complied, an officer—identified through investigation as Det. Darryl Schwartz of the 46th Precinct—frisked his entire body and asked him if he had anything on him but did not enter any pockets. § 87(2)(b) § 87(2)(b) responded that he had a phone and money. As § 87(2)(b) then voluntarily moved against the wall, a third unidentified officer frisked his entire body. Nothing was recovered from any of the frisks.

An officer—identified through investigation as PO Ronald Hobson also of the 46th Precinct—then asked all of them what they were doing there. § 87(2)(b) replied that they were going to the store. Det. Schwartz asked them if they knew of anything going on in the building, to which one of them replied that they had no idea. PO Hobson instructed § 87(2)(b) to take out his phone and call anyone he knew from the neighborhood. § 87(2)(b) removed his phone, but did not understand who he should call, so he did not dial. At the same time, Det. Schwartz frisked “§ 87(2)(b)” a second time, which § 87(2)(b) recorded using his phone. PO Hobson instructed him to put his phone away.

§ 87(2)(b) stated that there was no basis for the stop. In response, PO Hobson grabbed § 87(2)(b)’s neck from the front with his right hand. As they were on opposite sides of the railing, he then guided § 87(2)(b) twenty-five feet down the ramp, making it somewhat difficult for him to breathe. PO Hobson then handcuffed § 87(2)(b) against the wall and stated, “Nigga, I’ll tap your jaw right here, right now.” PO Hobson escorted him to the van, banging his left arm and elbow on the door frame and causing a considerable amount of pain. PO Hobson then pushed his upper body down onto the bench seat and punched him three times with a closed fist on the right side and back of his head, each of which caused pain.

During this, PO Hobson stated, “I’m not these other suburban white cops. I’m from the same blocks as you from, nigga.” After seating § 87(2)(b) in the van, PO Hobson made additional statements including, “Why you gotta talk shit?”; “That’s some sucker shit, you tryin’ to record me”; and “You think I’m just abusing my force because I’m a cop? It would happen to any other nigga in the street too.” PO Hobson and Det. Schwartz then brought him to the 46th Precinct stationhouse, where he was issued a summons for disorderly conduct. While there, PO Hobson shouted, “What the fuck you doing outside at 5:40 in the morning?”

As a result of this incident, § 87(2)(b) suffered a bruised cheek bone and lacerations on his neck and back, for which he provided photographs. § 87(2)(b) went to a family doctor the following day for the pain and was given Tylenol. He learned that neither § 87(2)(b) nor “§ 87(2)(b)” were summonsed or arrested as a result of this incident.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b) No additional pedigree or occupational information is known.

Telephone Statements

§ 87(2)(b) provided a telephone statement to the CCRB on December 16, 2014 (encl. 11A). § 87(2)(b) corroborated the details of her 911 call and added that she did not believe the perpetrator, § 87(2)(b), was with anyone at the time. § 87(2)(b) left after about ten

minutes, but it took longer for the police to arrive. She knew nothing about any activity that occurred outside the building. Although § 87(2)(b) was familiar with § 87(2)(b) from the neighborhood, she does not know him personally. She also knew of “§ 87(2)(b)” and believed him to have a different last name than § 87(2)(b) though she did not know it. She did not know of any relatives of “§ 87(2)(b)” or § 87(2)(b) who lived in her building, nor did she know anyone nicknamed “§ 87(2)(b)”. She described “§ 87(2)(b)” as a seventeen or eighteen year old tan-skinned male who stands 5’2” to 5’3”, weighs 130 to 140 pounds, and has short light-brown hair.

Attempts to Contact Civilians

Numerous attempts were made to contact § 87(2)(b) and “§ 87(2)(b)”. Between May 28, 2014 and July 25, 2014, five phone calls were made to a number provided by § 87(2)(b) for § 87(2)(b) and a subpoena was mailed to the number’s phone service provider. No contact was established. Between May 28, 2014 and July 25, 2014, five phone calls were placed to a number provided by § 87(2)(b) for “§ 87(2)(b)”. No contact was established.

NYPD Statements

Subject Officer: PO RONALD HOBSON

- § 87(2)(b)
- *On May 18, 2014, PO Hobson was assigned to Sector G of the 46th Precinct, partnered with Det. Darryl Schwartz. He worked from 11:15 p.m. on May 17, 2014 to 7:50 a.m. on May 18, 2014, was dressed in uniform, and was assigned to a marked police van (#§ 87(2)(b)).*

Memo Book

PO Hobson recorded in his memo book (encl. 12A-B) that at 5:25 a.m., PO Hobson responded to an assault in progress (10-34) at § 87(2)(b). At 5:30 a.m., one male was stopped in front of the location. At 5:40 p.m., § 87(2)(b) § 87(2)(b) (DOB: § 87(2)(b)) was arrested at the location during investigation and issued summons #§ 87(2)(b). At 5:45 a.m., he was taken to the 46th Precinct.

Summons

At 5:40 a.m., PO Hobson issued § 87(2)(b) summons #§ 87(2)(b) (encl. 12C-D) for “acting disorderly and not following police orders” (PL §240.20). No subsection was listed, though it indicated that § 87(2)(b) stated, “I don’t care.”

CCRB Statement

PO Hobson was interviewed at the CCRB on September 8, 2014 (encl. 12E-G). At around 5:30 a.m. on May 18, 2014, PO Hobson and Det. Schwartz responded to a radio call of an assault in progress at § 87(2)(b) in the Bronx. PO Hobson did not independently recall any details of the radio run. Only after being shown the EVENT related to this incident did PO Hobson recall that the suspect was wearing red and may have been in possession of a gun or a knife. Upon arrival, they met up with four other officers whom PO Hobson could not recall.

Because no apartment number was provided, two of the other officers entered the building to conduct a vertical, while PO Hobson and Det. Schwartz remained outside. Shortly thereafter, § 87(2)(b) and “§ 87(2)(b)” exited the building and approached. PO Hobson did not recall if he suspected any of them of being involved in the reported assault, but because they were exiting at the time of the complaint, he believed he had to investigate them. PO Hobson did

not recall the content of any initial conversation, but at some point he told § 87(2)(b) to stand near him and Det. Schwartz while the other officers handled § 87(2)(b) and “§ 87(2)(b)”.

In the midst of the other officers’ investigation, § 87(2)(b) placed at least one hand into one of his pockets, removed his cell phone, and used it. PO Hobson immediately told him to refrain from using his phone while they were conducting the investigation. § 87(2)(b) sucked his teeth and continued to use his phone. PO Hobson gave at least one further order for him to put away the phone, but § 87(2)(b) again ignored him. Given his multiple refusals to comply, Det. Schwartz frisked § 87(2)(b) to ensure that he had no weapons, though PO Hobson did not recall what parts of his body he patted. No items were recovered from the frisk.

Following the frisk, § 87(2)(b) replaced the phone into his pocket. Apart from the general assumption that any potential suspect could be armed or dangerous, PO Hobson could not recall any other factors that led him to believe § 87(2)(b) was in possession of a weapon, including any bulges on his person. Furthermore, apart from failing to comply with the above orders, PO Hobson did not feel threatened by any of § 87(2)(b) behavior. Shortly thereafter, § 87(2)(b) again removed his cell phone from his pocket and murmured unspecified obscene remarks. PO Hobson ordered § 87(2)(b) to keep his hands out of pockets, but he again refused to do.

Given § 87(2)(b) additional refusals to comply, PO Hobson decided to issue him a summons for disorderly conduct. However, because his behavior could have disturbed the passing pedestrians, PO Hobson decided to issue the summons at the stationhouse to stop his behavior. When PO Hobson subsequently attempted to handcuff him, § 87(2)(b) refused to give his hands, though PO Hobson could not recall exactly how he resisted. Det. Schwartz assisted by grabbing one of his arms, enabling them to handcuff him. PO Hobson did not recall seeing § 87(2)(b) or “§ 87(2)(b)” frisked by any officer.

Both PO Hobson and Det. Schwartz escorted § 87(2)(b) to their police van, during which he resisted by planting his feet and pushing backwards against them. PO Hobson denied making any physical contact with § 87(2)(b)’s neck or choking him. When PO Hobson attempted to seat him in the van, § 87(2)(b) kicked off of the side, forcing PO Hobson to lift him up to be seated. PO Hobson did not recall ever holding § 87(2)(b) torso down onto the seat, and he denied punching him in any way. PO Hobson also denied ever stating, “Nigga, I’ll tap your jaw right here,” or “I’m not like these other suburban white cops. I’m from the same blocks as you, nigga.” He did not recall using the word “nigga” or “nigger,” nor did he recall saying, “Why you gotta talk shit?”; “That’s some sucker shit, you tryin’ to record me”; “You think I’m just abusing my force because I’m a cop? It would happen to any other nigga in the street too”; or “What the fuck you doing outside at 5:40 in the morning?” The officers transported him to the stationhouse and issued him a disorderly conduct summons.

Subject Officer: DET. DARRYL SCHWARTZ

- § 87(2)(b)
- *Det. Schwartz worked the same tour and assignment as PO Ronald Hobson.*

Memo Book

Det. Schwartz recorded in his memo book (encl. 13A-C) that at 5:25 a.m., he backed up a

response to an assault in progress (10-34) at § 87(2)(b). At 5:30 a.m., one male was stopped in front of the location. At 5:40 a.m., one arrest was made at the location for further investigation. At 5:45 a.m., a summons was issued (10-96).

CCRB Statement

Det. Schwartz was interviewed at the CCRB on September 8, 2014 (encl. 13D-F). Det. Schwartz similarly did not independently recall any details of the assault as communicated over the radio, nor did he recall who the other responding officers were. However, upon encountering the civilians outside the building, some officers entered the building while he and PO Hobson spoke to § 87(2)(b) and the remaining officers spoke to § 87(2)(b) and “§ 87(2)(b). Det. Schwartz did not recall if any of the civilians matched the description of the suspect.

Det. Schwartz and PO Hobson explained to § 87(2)(b) that they were conducting an investigation regarding someone with a gun in the building. § 87(2)(b) became irate, fidgeting and loudly asking why he was being stopped. § 87(2)(b) more than once placed at least one hand in his pocket, and refused to comply with commands to keep his hands out of his pockets. Although Det. Hobson tried to explain that they were conducting an investigation, he did not ask any accusatory questions, such as whether he had a gun. At some point, PO Hobson attempted to frisk § 87(2)(b) to ensure that he had no weapons, but § 87(2)(b) pulled his arms away and prevented PO Hobson from doing so. Det. Schwartz did not recall seeing any bulges on § 87(2)(b) body, and apart from the general assumption that anyone exiting the building could have a weapon, Det. Schwartz had no indication that any of them were armed.

Det. Schwartz did not recall any actions taken regarding § 87(2)(b) or “§ 87(2)(b). When shown video footage of himself frisking “§ 87(2)(b) Det. Schwartz confirmed his identity but still did not recall that frisk or any other. At some point, a group of about five to seven unidentified civilians exited the building and stood nearby, making unspecified hostile comments to the officers. Given the crowd as well as other lingering pedestrians, Det. Schwartz and PO Hobson decided to remove § 87(2)(b) from the scene to prevent his disorderly behavior from causing a larger conflict. Hence, PO Hobson handcuffed § 87(2)(b) and escorted him to their van. § 87(2)(b) resisted while being handcuffed, though Det. Schwartz could not specifically describe how. At no point did PO Hobson or any other officer grab § 87(2)(b) by the throat or neck.

Before PO Hobson placed him in the van, Det. Schwartz frisked his entire body and searched his pockets to ensure that he had no weapons. While being placed in the van, § 87(2)(b) resisted by pushing backwards, though he did not recall if there was any further altercation. PO Hobson did not punch § 87(2)(b) in any way. Det. Schwartz did not hear PO Hobson tell § 87(2)(b) “Nigga, I’ll tap your jaw right here”; “I’m not like these other suburban white cops. I’m from the same blocks as you, nigga”; or use the word “nigga” or “nigger” while speaking to him. Det. Schwartz did not recall PO Hobson state, “Why you gotta talk shit?”; “That’s some sucker shit, you tryin’ to record me”; and “You think I’m just abusing my force because I’m a cop? It would happen to any other nigga in the street too.” PO Hobson issued § 87(2)(b) a disorderly conduct summons at the stationhouse.

Witness Officers: PO JASON CRUZ, PO VINCENT MAHER, PO OSCAR PEREZ, PO AJISH JOY, PO LAWRENCE DUNLAY

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED] On May 18, 2014, PO Cruz and PO Maher were assigned to 46th Precinct sectors A/B. They worked from 11:15 p.m. on May 17, 2014 to 7:50 a.m. on May 18, 2014, were in uniform, and drove a marked sedan (#§ 87(2)(b)).
- PO Perez § 87(2)(b) [REDACTED]
[REDACTED] On May 18, 2014, he was assigned to 46th Precinct sectors E/F, partnered with PO Neff Seda. He worked from 11:15 p.m. on May 17, 2014 to 7:50 a.m. on May 18, 2014, was dressed in uniform, and was assigned to a marked sedan (#§ 87(2)(b)).
- PO Joy § 87(2)(b) [REDACTED]
[REDACTED] PO Dunlay § 87(2)(b) [REDACTED]
[REDACTED] On May 18, 2014, PO Joy and PO Dunlay were assigned to 46th Precinct sectors K/P. They worked from 11:15 p.m. on May 17, 2014 to 7:50 a.m. on May 18, 2014, were in uniform, and drove a marked sedan (#§ 87(2)(b)).

CCRB Statements

PO Cruz was interviewed at the CCRB on October 24, 2014. PO Maher was interviewed at the CCRB on November 3, 2014. PO Perez was interviewed at the CCRB on November 5, 2014. PO Joy and PO Dunlay were both interviewed at the CCRB on December 5, 2014. Despite being shown an EVENT report with possible indication that they responded to this incident, PO Cruz and PO Maher both denied ever going to § 87(2)(b) that morning or handling a domestic dispute there. The memo book entries of PO Cruz (encl. 14A-C), PO Maher (encl. 15A-C), and PO Perez (encl. 16A-E) all indicated that, at the time of the incident, they were at different locations handling a family offense and another domestic incident, respectively. Although PO Joy, who completed § 87(2)(b)'s domestic incident report, and PO Dunlay did respond to this incident, neither had any recollection of any details, so they could not contradict or corroborate any allegations. PO Joy and PO Dunlay both completed relevant memo book entries (encl. 17A-D, encl. 18A-D).

NYPD Documents

EVENT Report

EVENT report #§ 87(2)(b) (encl. 19A-E) indicated that at 5:05 a.m. on May 18, 2014, a female named § 87(2)(b) called 911 to report that her child's father was banging on the door of her apartment, located at § 87(2)(b). She further stated that the aggressor was a dark-skinned Hispanic male who stood 6'0", weighed 220 pounds, and was known to be violent. There were no injuries and it was unknown if weapons were present. At 5:14 a.m., she placed a second call, stating that her boyfriend was standing outside her door with a gun, and that he was a black male wearing red. At 5:23 a.m., she placed another call stating that a male was banging on her door and was in possession of a knife, although no knife was shown to her. At 5:26 a.m., sector A1 of the 46th Precinct responded. By 5:34 a.m., sector G1 made one arrest. However, at 5:58 a.m., the disposition was changed, indicating the arrest was made in error.

Domestic Incident Report

PO Joy completed a domestic incident report (encl. 20A-B) as a result of this incident. § 87(2)(b) stated that at around 5:10 a.m., § 87(2)(b) came to her door (Apt. § 87(2)(b)) with a knife in his hand, shouting and threatening her life. § 87(2)(b) was not on scene when officers arrived.

Prior Arrest Photograph

A prior arrest photograph for § 87(2)(b) on January 24, 2014 (encl. 21A-C) indicated that he is a 49-year-old, dark-skinned Hispanic male who stood 5'10" and weighed 180 pounds.

Roll Call

The 46th Precinct tour 1 roll call on May 18, 2014 (encl. 22A-H) showed that apart from the officers who were interviewed, there were no pairs of uniformed white male officers on duty. Although there was one white male officer assigned to sectors C/D (PO Pappagallo), he was partnered with a Hispanic male (PO Vasquez). The only other white male on duty was PO Rutyna, but he was assigned as the operator for Sgt. Regnier, who is a female.

Stop and Frisk Reports

Request to MAS (encl. 23A) and to the 46th Precinct (encl. 23B) revealed that there were no computerized or handwritten UF-250 reports completed for § 87(2)(b) nor were there any logs for the time of the incident.

Other Evidence

Photographs of Injuries

§ 87(2)(b) provided photographs of his alleged injuries taken on the date of the incident. One appears to show a bump on the apple of his left cheek (encl. 9H), while a second photo shows the same on his right cheek (encl. 9I). A third photograph appears to show a large area of slight darkness on the lower part of the left side of his neck (encl. 9J). A fourth photograph shows very slight dark mark on the left side of his neck (encl. 9K).

Medical Records

On § 87(2)(b), § 87(2)(b) was seen by Dr. § 87(2)(b). Upon examination, no swelling or bruises were present. § 87(2)(b) tested normally for all conditions. His skin was normal with the only marks being post-surgical scars from childhood.

Video Footage

On May 20, 2014, § 87(2)(b) provided the CCRB video footage that he recorded on his cell phone at the time of the incident. The video is a compilation of short clips. The first clip (<00:00> seconds to <00:02> seconds) is a moving shot of two individuals' legs and feet. An unidentified voice asks, "Where are you guys coming from?" The second clip (<00:03> seconds to <00:05> seconds) shows § 87(2)(b) identified by § 87(2)(b) as "§ 87(2)(b)" wearing white sweatpants and a red sweatshirt, standing on one side of a metal railing. On the other side of the railing is a uniformed light-skinned, bald male officer—identified through investigation as Det. Darryl Schwartz. Using his right hand to reach under the railing, the officer squeezes over the outside of "§ 87(2)(b)" front left pant pocket and then frisks his way up the left leg and over the left rear pant pocket. The three subsequent clips are not relevant to the case.

Summons for Incident and Disposition

- Despite diligent searches of the Office of Court Administration and E-Courts databases, the disposition of § 87(2)(b) summons is unknown.

Civilian's Criminal Histories

- As of December 16, 2014, Office of Court Administration records reveal no criminal convictions for § 87(2)(b).
- As no sufficient identifying information is available for § 87(2)(b) or § 87(2)(b) their criminal histories are unknown.

Civilian's CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 6A).
- This is the first CCRB complaint filed by § 87(2)(b) (encl. 6B).
- This is the first CCRB complaint filed by § 87(2)(b) (encl. 6C).

Subject Officers' CCRB Histories

- PO Hobson has been a member of the NYPD for eight years. In five previous cases, a total of eight allegations were made against him, though none have been substantiated. § 87(2)(g)
- Det. Schwartz has been a member of the NYPD for eleven years. In two previous cases, a total of three allegations were made against him, though none have been substantiated. § 87(2)(g)

Conclusion

Identification of Subject Officers

§ 87(2)(b) described the officer who frisked § 87(2)(b) as a white male in his thirties with short black hair. He described the officer who physically moved § 87(2)(b) against a wall also as a white male in his thirties, though he could provide no other details. Finally, he could provide no description of the officer who frisked § 87(2)(b) other than that he was a uniformed male. Of the officers who were interviewed, the only white male who responded to the location was PO Dunlay, a 45-year-old with solid white hair. Given this obvious discrepancy based on age and hair color, the investigation could not identify PO Dunlay as a subject of any of these allegations.

Furthermore, a review of the 46th Precinct tour one roll call showed that there were only two other uniformed white males working at the time of the incident. The first was the operator for a female sergeant while the second was partnered with a Hispanic male, neither of which matches § 87(2)(b) descriptions of all white males, with the exception of PO Hobson and Det. Schwartz as explained below. Without statements from the other civilians or witnesses, the investigation is unable to identify the subjects of these allegations, so the stops and frisks are pleaded against officers from the 46th Precinct.

Although § 87(2)(b) described the officer who frisked him and asked him if he had anything on him as a white male in his thirties, PO Hobson and Det. Schwartz testified that it was Det. Schwartz, a black male, who conducted the frisk. In light of the consistency between the officers' statements, the investigation identified Det. Schwartz as the subject officer, and allegations of a frisk and a question are pleaded against him accordingly. Video footage confirmed that Det. Schwartz also frisked the individual identified by § 87(2)(b) as § 87(2)(b). Therefore, a second frisk allegation is pleaded against him.

§ 87(2)(b) alleged that the officer who primarily handled him and issued him the summons was the same officer who used a chokehold and other physical force against him, made

remarks to him based upon race, threatened him with the use of force, hit him against a police van, and spoke discourteously to him both outside of § 87(2)(b) as well as at the 46th Precinct stationhouse. As PO Hobson acknowledged that he was the officer who primarily handled § 87(2)(b) these allegations are pleaded against him.

Allegations Not Pleaded

Although Det. Schwartz stated that he entered § 87(2)(b) pockets after frisking him, this was explicitly not alleged. Therefore, no search allegation is pleaded. Additionally, although it was alleged that Det. Schwartz asked § 87(2)(b) if he had anything on him while conducting the frisk, this question would effectively have been one of procedure and not relevant to the legal analysis of any justification for a frisk, which was the more intrusive action anyway. Given these circumstance, no question allegation is pleaded against Det. Schwartz.

Investigative Findings and Recommendations

Allegation A—Abuse of Authority: Officers stopped § 87(2)(b)

and § 87(2)(b)

Allegation B—Abuse of Authority: Officers frisked § 87(2)(b) and § 87(2)(b)

It is undisputed that § 87(2)(b) and “§ 87(2)(b) were stopped outside of § 87(2)(b) as a result of the 911 call made by § 87(2)(b). However, § 87(2)(b) (b) could only provide minimal descriptions the officers who specifically made the respective stops and who allegedly frisked § 87(2)(b) and “§ 87(2)(b). His descriptions did not match any of the officers interviewed or listed on the roll call. None of the officers interviewed recalled any other officers who were present.

§ 87(2)(b), § 87(2)(g)

Allegation C—Abuse of Authority: Det. Darryl Schwartz frisked § 87(2)(b)

Allegation F—Abuse of Authority: Det. Darryl Schwartz frisked § 87(2)(b)

The EVENT report associated with this incident confirmed that from 5:05 a.m. to 5:23 a.m., § 87(2)(b) made three 911 calls. In the first, she stated that a dark-skinned Hispanic or black male standing 6’0” and weighing 220 pounds was banging on her door, though she did not know if he had any weapons. In the second, she reported that he was wearing red and was threatening her with a gun through the door. In the third, she reported that he had a knife, though no knife was shown to her. § 87(2)(b) and § 87(2)(b) provided identical descriptions of “§ 87(2)(b) a tan-skinned male who stands 5’2” to 5’3” and weighs 130 to 140 pounds. The memo books of PO Hobson and Det. Schwartz confirmed that § 87(2)(b) was stopped at 5:30 a.m.

She first stated that she did not know if § 87(2)(b) Maisonet had any weapons; she then reported that he had a gun; and she finally claimed that he had a knife, though she did not see any knife.

§ 87(2)(b) alleged that after being told to put his phone back into his pocket, Det. Schwartz frisked his entire body. He maintained that only after he had taken out his phone, started

to record, and questioned the validity of the stop did PO Hobson grab him and place him in handcuffs. § 87(2)(b), § 87(2)(g)

Despite being shown video footage of Det. Schwartz frisking “§ 87(2)(b)” who was wearing a red shirt, neither PO Hobson nor Det. Schwartz recalled that frisk. Regarding the frisk of § 87(2)(b) both PO Hobson and Det. Schwartz stated that, apart from the general assumption that anyone exiting the building could have been involved in the assault and could have a weapon, there were no other factors indicating that he was armed, such as any threatening behavior or bulges on his person. It is undisputed that nothing was recovered from any civilian.

In order to frisk a civilian, an officer must possess reasonable suspicion that a civilian is in possession of a weapon. In the event of a 911 call in which an unidentified complainant alleges the presence of a weapon as well as provides a description of the perpetrator and his location, an anonymous tip alone does not provide reasonable suspicion to stop or frisk someone unless the veracity of the complaint is enhanced in some other way. People v. Herold, 282 A.D.2d 1 (1st Dept. 2001) (encl. 1A-E). Conversely, a matching description of the perpetrator as well as a suspect’s close spatial and temporal proximity to the crime would provide only founded suspicion for a common law-inquiry. People v. Lacy, A.D.2d (1st Dept. 2013) (encl. 2A-B).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation D—Abuse of Authority: PO Ronald Hobson questioned § 87(2)(b) § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

Allegation E—Abuse of Authority: Det. Darryl Schwartz questioned § 87(2)(b) § 87(2)(b)

§ 87(2)(b) and § 87(2)(b)

The details of the EVENT report, which are outlined in the preceding section, are relevant to these allegations. In light of those details, § 87(2)(b) § 87(2)(b) alleged that PO Hobson asked all three civilians what they were doing at the location, and that Det. Schwartz asked them if they knew of anything happening in the building. Both officers acknowledged that an investigative conversation took place, but did not recall any specific questions asked. Regardless, video footage revealed that at some point an officer asked the civilians, “Where are you coming from?”

In order to approach and make general requests for information, such as one’s destination or reason for being at a location, an officer must have an objective credible reason that is not necessarily indicative of criminality. People v. Hollman, 79 N.Y.2d 181 (1992) (encl. 3A-H).

§ 87(2)(b), § 87(2)(g)

Allegation G—Force: PO Ronald Hobson used a chokehold against § 87(2)(b) § 87(2)(b)

§ 87(2)(b)

Allegation H—Offensive Language: PO Ronald Hobson made remarks to § 87(2)(b) § 87(2)(b)

§ 87(2)(b) based upon race.

Allegation I—Abuse of Authority: PO Ronald Hobson threatened § 87(2)(b)

with the use of force.

Allegation J—Force: PO Ronald Hobson hit § 87(2)(b) **against a police van.**

Allegation K—Force: PO Ronald Hobson used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(b)

Allegation L—Discourtesy: PO Ronald Hobson spoke discourteously to § 87(2)(b) § 87(2)(b)

§ 87(2)(b) **outside** § 87(2)(b) **in the Bronx and inside the 46th Precinct stationhouse.**

§ 87(2)(b) alleged that PO Hobson grabbed him by the neck and pulled him down a ramp before stating, “Nigga, I’ll tap your jaw right here.” He also alleged that as PO Hobson escorted him to the van, he banged his left arm and elbow on the door frame, after which PO Hobson punched him in the head three consecutive times. While photographs provided by § 87(2)(b) showed light marks on both sides of his neck and possible raised bumps on

both sides of his face, medical records from the following day indicated no bruising, swelling, or skin marks other than past surgical scars. § 87(2)(b) also alleged that PO Hobson then made a series of statements on scene involving multiple uses of the words “nigga” and “shit,” as well as asked him at the stationhouse “What the fuck you doing outside at 5:40 in the morning?”

Conversely, PO Hobson denied using any of the force alleged, including making any contact with § 87(2)(b) neck or throat. He also denied making any of the alleged statements involving the word “nigga” or any threat of force. He did not recall making any of the alleged statements involving the words “shit” or “fuck.” Det. Schwartz similarly denied seeing PO Hobson use any of the alleged force, though he did not recall if there was any altercation while placing § 87(2)(b) who he claimed was resisting, into the van. Det. Schwartz denied hearing PO Hobson use any of the alleged statements involving the word “nigga,” including the threat of force, and did not recall hearing any of the alleged statements involving the word “shit.”

§ 87(2)(b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(2)(b), § 87(2)(g), § 87(4-b)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]
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[REDACTED].

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____

	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
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Reviewer:	_____	_____	_____
	Title/Signature	Print	Date